

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference NO 7225/WO	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 03/01687	International filing date (day/month/year) 18/02/2003	(Earliest) Priority Date (day/month/year) 21/02/2002
Applicant SOCIETE DES PRODUITS NESTLE S.A.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.
☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☒ **Certain claims were found unsearchable** (See Box I).
3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,
- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,
- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. _____
- ☐ as suggested by the applicant.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.
- ☒ None of the figures.

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A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23K1/00 A23L1/03 A23K1/18

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23K A23L A23C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, FSTA, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 968 569 A (CAVADINI CHRISTOF ET AL) 19 October 1999 (1999-10-19) column 3, line 3 - line 33; claims 1,5,7,10,12,13; example 7 ---	1-5,7-9
X	DATABASE WPI Section Ch, Week 200232 Derwent Publications Ltd., London, GB; Class B04, AN 2002-278805 XP002207609 & RU 2 178 975 C (BORTS M S), 10 February 2002 (2002-02-10) abstract ---	1,2,5,9
X	DE 35 36 342 A (WOLF WALTER DR) 8 October 1987 (1987-10-08) claims 1,10 ---	1,2,10, 11
	-/--	

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.*** Special categories of cited documents:*****A*** document defining the general state of the art which is not considered to be of particular relevance***E*** earlier document but published on or after the international filing date***L*** document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)***O*** document referring to an oral disclosure, use, exhibition or other means***P*** document published prior to the international filing date but later than the priority date claimed***T*** later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention***X*** document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone***Y*** document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.***&*** document member of the same patent family

Date of the actual completion of the international search

5 June 2003

Date of mailing of the international search report

12/06/2003

Name and mailing address of the ISA

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Grittern, A

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P,X	US 2002/039606 A1 (MOTOZONO YUKIHIRO ET AL) 4 April 2002 (2002-04-04) claim 1; examples ---	1-3,5, 7-9
A	WO 01 17365 A (NESTLE SA) 15 March 2001 (2001-03-15) page 4, line 33 -page 5, line 22; example 1 ---	1-3,9,10
A	US 5 702 719 A (DONZIS BYRON A) 30 December 1997 (1997-12-30) claims; example 5 ---	1,9,10
A	FR 2 757 769 A (BOIRON) 3 July 1998 (1998-07-03) claims 1,5 ---	1,6,9, 10,12
A	EP 0 286 033 A (SOCOP NAHRUNGSMITTEL) 12 October 1988 (1988-10-12) page 5, line 55 -page 6, line 8 ---	1,7-10
A	US 6 270 811 B1 (FREGONESE ALEXANDRA) 7 August 2001 (2001-08-07) claims 1-8 ---	1,6,9,10
A	EP 0 904 784 A (NUTRICIA NV) 31 March 1999 (1999-03-31) claims -----	1-3,5

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.1

Although claims 17 and 18 are directed to a method of treatment of the animal body, the search has been carried out and based on the alleged effects of the composition.

Continuation of Box I.1

Claims Nos.: 17,18

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP 03/01687

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 17, 18
because they relate to subject matter not required to be searched by this Authority, namely:
see FURTHER INFORMATION sheet PCT/ISA/210
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

Information on patent family members

PCT/EP 03/01687

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5968569	A	19-10-1999	AT 206873 T	15-11-2001
			AU 740761 B2	15-11-2001
			AU 5040598 A	16-07-1998
			BR 9800271 A	29-06-1999
			CA 2222758 A1	09-07-1998
			CN 1192330 A ,B	09-09-1998
			DE 69707413 D1	22-11-2001
			DE 69707413 T2	16-05-2002
			DK 862863 T3	04-02-2002
			EP 0862863 A2	09-09-1998
			ES 2164299 T3	16-02-2002
			JP 10191916 A	28-07-1998
			NZ 329464 A	28-01-2000
			PT 862863 T	29-04-2002
			ZA 9800142 A	08-07-1999
RU 2178975	C	10-02-2002	RU 2178975 C1	10-02-2002
DE 3536342	A	08-10-1987	DE 3536342 A1	08-10-1987
US 2002039606	A1	04-04-2002	JP 2002058434 A	26-02-2002
			AU 6186101 A	28-02-2002
			CA 2355527 A1	21-02-2002
			DK 200101241 A	22-02-2003
WO 0117365	A	15-03-2001	AU 7001600 A	10-04-2001
			BR 0013780 A	14-05-2002
			CA 2383714 A1	15-03-2001
			WO 0117365 A1	15-03-2001
			EP 1213970 A1	19-06-2002
US 5702719	A	30-12-1997	US 5576015 A	19-11-1996
			US 5705184 A	06-01-1998
FR 2757769	A	03-07-1998	FR 2757769 A1	03-07-1998
EP 0286033	A	12-10-1988	DE 3711054 A1	13-10-1988
			AU 1577188 A	02-11-1988
			DD 282706 A5	19-09-1990
			WO 8807580 A2	06-10-1988
			DK 483789 A	02-10-1989
			EP 0286033 A2	12-10-1988
			HU 57269 A2	28-11-1991
			JP 63251079 A	18-10-1988
			PL 271547 A1	22-01-1990
			PT 87141 A ,B	01-04-1988
			YU 65588 A1	30-06-1990
US 6270811	B1	07-08-2001	FR 2756181 A1	29-05-1998
			AU 5229598 A	22-06-1998
			EP 0954279 A2	10-11-1999
			WO 9823243 A2	04-06-1998
			JP 2001504510 T	03-04-2001
EP 0904784	A	31-03-1999	EP 0904784 A1	31-03-1999